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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

MENEZES, MARCUS

ART UNIT PAPER NUMBER

3677

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/540,116

Applicant(s)

TAYLOR, SUPEN

Examiner

Marcus Menezes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/20/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/20/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the lace" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim.
3. Claims 11 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim recites "the lace engaging elements" in the second line of the claim. It is unclear whether the applicant is claiming the lace engaging elements on the retaining arm or the engaging elements labeled 18 on the drawings. Examiner will interpret the lace engaging elements of this claim to refer to the engaging elements labeled 18 in the drawings. However, appropriate action is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8,10,15-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Garvey (GB 2343701A).

Garvey discloses a laces tying device comprising a body (21) provided with one or more apertures (28,29) adapted to receive a lace with which the device is used and provided with readily releasable fastening means (22) adapted to fasten the lace in the one or more apertures (29) and clip means comprising a retaining arm (31) mounted on a spring-loaded hinge provided on the outer surface of the body (See Fig. 3,4,7,8, and page 8, second paragraph). Further, said hinge is biasing the arm towards the outer surface of the body and the retaining arm is arranged to retain overlapping portions of lace, which, in use, extend from the one or more apertures. Note, the hinge on Garvey is made of an elastic and resilient material used to accommodate the lacing and hold the loose laces in between the outer surface of the body and the arm of the clip. (See page 7, first paragraph).

Garvey further discloses that the one ore more apertures are intersected by a passage, the readily releasable fastening means comprising of a spring-loaded clamping element (25). (See Fig. 3,4).

Garvey discloses that the clamping element is provided with one ore more apertures provided in the body. (See Fig. 7).

Garvey discloses that the clamping element is biased in one direction of displacement so that the one or more apertures provided in the clamping element are normally out of alignment with the one ore more apertures provided in the body. (See Fig. 7).

Garvey discloses that the claiming element is provided with a trigger (23), the operation of which displaces the clamping element to bring the one ore more apertures

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provided in the clamping element into alignment with the one or more apertures provided in the body. (See Fig. 4).

Garvey discloses that two apertures are provided in the body (21), through which the opposite ends of the lace can be threaded. (See page 7, lines 25-27, page 8, lines 1-2).

Garvey discloses a retaining arm (31) with lace-engaging elements on its underside. (See Fig.3). Said elements comprise of elongate projections that extend from the underside of the arm towards the hinge at an angle of less than 90 degrees.

Garvey discloses an article with laces that are to be used with a lace-tying device, and further, the tying device is dimensioned for use with footwear provided with laces. (See Abstract).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvey.

Garvey discloses several elongate projections as lace engaging elements, however, Garvey does not disclose six projections. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a

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total of six projections, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

The Office considers the method of using the laces tying device as taught by Garvey is obvious. Therefore, the method of using, as claimed, is given little patentable weight.

8. Claims 11-14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvey in view of Ang (US Patent No. 5,022,127).

Garvey discloses a lace tying device with a display portion on top of the retaining arm that is capable of displaying selectable elements. However, Garvey does not disclose any lace engaging projections on the outer surface of the body.

Ang discloses lace engaging projections (36) on an outer surface in the body (31), adjacent the lace engaging elements provide on the arm (22), and formed by a roughened surface portion.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the teaching of the lace engaging elements on the outer surface of the body in Garvey in view of Ang in order to further prevent the laces from untying.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcus Menezes

Examiner

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MM


ROBERT J. SANDY
PRIMARY EXAMINER